

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WYETH and ELAN PHARMA)
INTERNATIONAL LIMITED,)
)
Plaintiffs,)
v.)
)
HON. JON W. DUDAS,)
Under Secretary of Commerce)
for Intellectual Property and)
Director of the United States)
Patent and Trademark Office)
)
Defendant.)

Civil Action No. 07-1492 (JR)

NOTICE OF APPEAL

_____ Notice is hereby given that defendant Jon W. Dudas, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the memorandum opinion and order filed on September 30, 2008, in the above action granting plaintiff's motion for summary judgment and denying defendant's motion for summary judgment.

Respectfully submitted,

JEFFREY A. TAYLOR, D.C. Bar #498610
United States Attorney

/s/

FRED E. HAYNES, D.C. Bar #165654
Assistant United States Attorney
555 4th Street, N.W., Room E-4110
Washington, D.C. 20530
(202) 514-7201

The Clerk will please serve the following individuals with notice of this appeal:

David O. Bickart, Esq.
Kaye Scholer LLP
901 15th Street, N.W.
Suite 1100
Washington, D.C. 20005-2329

Fred E. Haynes
Assistant United States Attorney
555 4th Street, N.W.
Room E-4110
Washington, D.C. 20001